ORDER RECEIVED FOR FILING

PETITION FOR ADMIN. VARIANCE IN RE: N/S Turnbrook Court. 910' N/W of

the c/l Perry Woods Court

(39 Turnbrook Court) 11th Election District 5th Councilmanic District

Frank Rosenberger, et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 99-36-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Frank and Mary Rosenberger. The Petitioners seek relief from Section 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sec. V.B.7 of the Comprehensive Manual of Development Policies {C.M.D.P.} 343.75 sq.ft. of contiquous open space in lieu of the minimum required 500 sq.ft. for a proposed 19' x 12' deck. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R.

Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

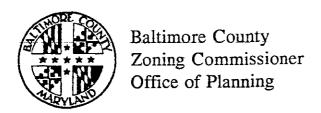
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of August, 1998 that the Petition for Administrative Variance seeking relief from Section 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sec. V.B.7 of the Comprehensive Manual of Development Policies {C.M.D.P.} 343.75 sq.ft. of contiguous open space in lieu of the minimum required 500 sq.ft. for a proposed 19' x 12' deck, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has If an appeal is filed and this Order is expired. reversed, the relief granted herein shall be rescinded.

> > LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

August 21, 1998

Mr. & Mrs. Frank Rosenberger 39 Turnbrook Court Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE

N/S Turnbrook Court, 910' N/W of the c/l Perry Woods Court

(39 Turnbrook Court)

11th Election District - 5th Councilmanic District

Frank Rosenberger, et ux - Petitioners

Case No. 99-36-A

Dear Mr. & Mrs. Rosenberger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: People's Counsel

Æile

ESTIMATED POSTING DATE:

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

39 Turnbrook CL

which is presently zoned

Zoning Commissioner of Baltimore County

OR 5.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

To allow 343.75 \$\$ \$\$. \$\$ Contiguous

open 50000 in lieu of the minimum

nequired 500 50. \$1.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Affradavil

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

			I/We do solemnly declare and affirm, under the penalties of perjury that lowe are the legal owner(s) of this property which is the subject of this Petition.
Contract Purchaser/Lessee			Legal Owner(s)
			Frak Pal
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Signature			Signature
			March R-1
Address			(Type or Print Hame)
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City	State	Zipcode	Signature
Attorney for Petitioner			
Type or Print Name:			39 Torrbrack 410529-27
			Address Phone No
			1×1+ MJ. 2/228
Signature			City State Zipcode Name, Address and phone number of representative to be contacted
Address	Phone	No	
			Name
City	State	Zipcoae	Address Phone No.
			
Public Hearing having been re	equested and/or found	d to be required it is order	red by the Zoning Commissioner of Baltimore County thisday of
arculation throughout Baltimore	etition be set for a pub e County, and that the	lic hearing, advertised a property be reposted	ted by the Zoning Commissioner of Battimore County, this day of 19
		· · · · · · · · · · · · · · · · · · ·	

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 35 Tcmbrock (b
Balt, Ma 21734
City State Zip Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
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Need dak to watch of Kids in back sand
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·
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.
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Frank Rosenbares Mary Rosenbares
STATE OF MARYLAND, COUNTY OF BALTIMORE, to will
I HEREBY CERTIFY. this
Frank J Rosenbyer + Mary Rusenburger
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal.
date Seven Plan Burth
My Commission Expires: 8 198

19-36-V

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at
City Md 2123 / Zip Code
That based upon personal knowledge, the following are the facts upon which lowe base the request for an Administrative Variance at the above address: (indicate randship or practical difficulty)
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STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this
Frenk Rodulye May Rosen buye
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief
AS WITNESS my hand and Notarial Seal. 7 16 93 My Commission Expires: 1 98
My Commission Expires: C 1 9 F

44.36-1

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

39 Turnbrock Cl

which is presently zoned

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	- OK 251
This Petition shall be filed with the Dept. of Permits & Development Management	
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of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Sec Aflidavil

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

			•
			I/We do solemnly declare and affirm under the penalties of perjury, that legal owner(s) of the property which is the subject of this Petition
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or Print Name)	· ·		(Type or Franchiame)
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ss			Man Rosenhara
;s		-	(Type or Print Name)
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	State	Zipcode	Signature
y for Petitioner			70 - 1 416579
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			Phone No
√e.			CIV 713
!			Name Address and phone number of representative to be contacted
	Phone N	•	Name
		· · · · · · · · · · · · · · · · · · ·	
	State	Zipcode	Address Phone No

REVIEWED BY DATE 7-21-95
ESTIMATED POSTING DATE 8/2

Printed with Speed on Recycle 19-36-AM #: 36

Zoning Description

Zoning description for 39 Turnbrook

BALTIMORE COUNTY, MARY 1D OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT 10 14 10 14 10 14 10 14 10 15 16 16 16 16 16 16 16 16 16 16 16 16 16	PAUD RECEIPT
DATE 7-21-98 ACCOUNT R-001-6150	PROCESS RETURE TIME 1/21/1998 7/21/1998 11:17:29 36 MBOJ CASHIER PMES PEN TRAMER 5 MISCELLANCIS CASH RECEIPT
AMOUNT \$ 50,	celet # 051607 051 1 MO. C46941
FROM: Raul Ryder	50.60 CHEC: Bultimore County, Maryland
FOR Residential Varionce filing too Rosenberger property 39 Turnbrooker	09-36-A
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHER'S VALIDATION

CERTIFICATE OF POSTING

881-3468

1748

RE Case No 99-36-A

Petitioner/Developer POSENCE RGER

Date of Hearing/Rlosing. 8/17/98

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen.

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 39 TURNBROOK CT,

The sign(s) were posted on _

Sincerely,

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666-5366 ; CELL-410-905-857 (Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 99-36-A
Petitioner: Frank Rosenbergen
Address or Location: 39 Turn brook Ct. Batto, nd, 21234
PLEASE FORWARD ADVERTISING BILL TO: Name: Address:
Telephone Number: (410) 529 - 2715

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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APPROVED SIGN POSTERS

Stacy Gardner Shannon-Baum Signs, Inc. 105 Competitive Goals Drive Baltimore, MD 21784

Toll Free:

Telephone:

(410) 781-4000 (800) 368-2295

Fax:

(410) 781-4673

Richard Hoffman

904 Deliwood Avenue Fallston, MD 21047

Telephone:

(410) 879-3122

Garland E. Moore 3225 Ryerson Circle Baltimore, MD 21227 Telephone:

(410) 242-4263

Mobile:

(410) 382-4470

Tom Ogle

325 Nicholson Road Baltimore, MD 21221 Telephone: (410) 687-8405

Mobile: (410) 262-8163

Fax:

(410) 687-4381

Patrick M. O'Keefe, Sr. 523 Penny Lane Hunt Valley, MD 21030 Telephone: Cell:

(410) 666-5366 (410) 905-8571

Fax:

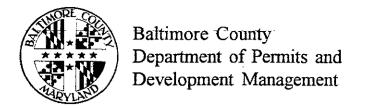
(410) 628-2574

(410) 882-2469

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. REPOSTING MUST BE ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

WCR - Revised 7/2/98



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

August 12, 1998

Mr. & Mrs. Frank Rosenberger 39 Turnbrook Court Baltimore, MD 21234

RE: Item No.: 36

Case No.: 99-36-A

Location: 39 Turnbrook Court

Dear Mr. & Mrs. Rosenberger:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 21, 1998.

The Committee Zoning Advisory (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

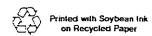
Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures





Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

AUGUST 7, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: OWINGS MILLS LIMITED PTNP. 027

KAMBIZ KARIMIAN 031

STERLING INDUSTRY LANE, L.L.C. 033 JAMES ANDREW DUNNIGAN AND DOROTHEA

DOLORES DUNNICAN 035

FRANK ROSENBERGER AND MARY ROSENBERGER 036

PHYLLIS E. TYLER 037

VERNON MERKLE AND MARILYN IRWIN 038 KEVIN F. BRACKEN AND DAWN H. BRACKEN 039

NARINE BANEY 041

MR. AND MRS. BRINKLEY ITEM 16

Location: DISTRIBUTION MEETING OF AUGUST 3, 1998

Item No.: SEE ABOVE Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 387-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: August 3, 1998

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 35, 36, 37, 39, and 41

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief: Jeffry W- Long

AFK/JL



Pamis N. Glendening Governor David L. Winstead Secretary

Parker F. Williams Administrator

RE: Baltimore County 7-31.9 V
Item No. 036 JJS

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

Ir Ronald Burns, Chief

Engineering Access Permits

P. J. Dredle

Division

LG

BALTIMORE COUN

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

To:

POM

FROM:

R. Bruce Seeley - R. III Permits and Development Review

SUEJECT: Zoning Advisory Committee

Mesting Date:

The Department of Environmental Protection & Resource Management has no Comments for the following Zoning Advisory Committee Items:

Item #'s:

27 23	36	4/
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33	39	<i>,</i>

RBS:sp

BRUCE2/DEPRM/TXTSBP

Plat to accompany Petition for Zoning Variance	Special Hearing
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73 2	LOCATION INFORMATION
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2.5	1'-200' scale map#:
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R/w Varies Perry	
Che	Chesapeake Bay Critical Area:
	The County hearings.
date: 7/2/	raviewed by: ITEM #: CASE#:
red by	111 36







